



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/613,067	07/10/2000	Mitsuru Nagasaka	450100-02611	9087
20999	7590	04/10/2009	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			NGUYEN BA, HOANG VU A	
ART UNIT		PAPER NUMBER		
2421				
MAIL DATE		DELIVERY MODE		
04/10/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/613,067	NAGASAKA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Hoang-Vu A. Nguyen-Ba	2421	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(o).

#### **Status**

1) Responsive to communication(s) filed on 05 January 2009 and 12 March 2009.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-13 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-13 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 3/12/09

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

**DETAILED ACTION**

1. This action is responsive to request for reconsideration filed January 5, 2009 and IDS filed March 12, 2009.
2. Claims 1-13 are pending. Claims 1, 6, 11, 12 and 13 are independent claims.

***Information Disclosure Statement***

3. The Office acknowledges receipt of the Information Disclosure Statement filed March 12, 2009. It has been placed in the application file and the information referred to therein has been considered.

***Response to Arguments***

4. The non-statutory double-patenting rejection of claims 1-13 over the claims of U.S. Patent No. 7,379,655 to Koyabu et al. is withdrawn in view of the filing on January 5, 2009 of a terminal disclaimer.
5. The allowability of the identified features of claims 1, 5 and 10 in the previous Office action is withdrawn in view of the Japanese Application Publication No. 11-8810, listed in the IDS filed on March 12, 2009 by Applicants.

New grounds of rejection of claims 1-13 are therefore introduced herein.

***Claim Rejections – 35 USC §112***

6. The following is a quotation of the first paragraph of 35 U.S.C. §112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 1, 5 and 10 are rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably

convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 1, 5 and 10 recite the limitations:

*(a) the first image, the search condition setting image, and the second image; and  
wherein the means for superimposing superimposes (a) over a current  
video signal.*

While the limitations *first image* (i.e., *user preference information* shown in FIG. 7, element T1A), *search condition setting image* (shown in FIGs. 5 and 6), *second image* (i.e., *search result* shown in FIG. 8) are individually described in the specification and shown in the aforementioned figures, the combination of these limitations in one display, as implied with the use of preposition *and*, is found nowhere described in the specification and the drawings.

Furthermore, the limitation *wherein the means for superimposing superimposes* the aforementioned combination of limitations *over a current video signal* does not appear to be shown in any drawings and/or explicitly described in the specification. The interpretation of the aforementioned limitation is that there is a current video image displayed on the screen and the user preference information, search condition setting image and search result are all displayed as an overlay on top of the video image.

Moreover, the limitation *(b) (the first image or the search condition setting image) and the second image* does appear to be nowhere supported in the specification and/or shown in the drawings. While the *first image* or the *user preference information*) is shown in FIG. 7, the *search condition setting image* is shown in FIGs. 5 and 6, the *search result* is shown in FIG. 8, the combination of *first image* and *second result* or that of *the search condition setting image* and *second image* is nowhere described or shown in the drawings. FIG. 8 does not appear to show the limitation *(b)* because it only shows the search results and some of the conditions set by the user (e.g., NIGHT and DRAMA). FIG. 8, however, does not show all of the elements depicted in FIG. 7 and FIGs. 5-6.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,977,964 to Williams et al. ("Williams") in view of JP 11-8810 by Robarts et al. ("Robarts") and further in view of U.S. Patent No. 5,793,438 to Bedard.

**Claim 1**

Williams discloses at least *an information receiving apparatus for receiving headline information related to information, comprising:*

*memory means for storing user preference information* (see Office action mailed September 22, 2006);

*means for detecting reception of a plurality of headline information related to the information* (see Office action mailed September 22, 2006);

*means for searching, based on said user preference information stored in said memory means, headline information coincided with said user preference information among received headline information at the time when the reception of said plurality of headline information is detected by said detecting means* (see Office action mailed September 22, 2006);

*wherein said user preference information includes a plurality of registration patterns* (see at least Williams 11:22 – 12:7),

*wherein the registration pattern is pre-selected information corresponding to an event and a timing of the event and limits the headline information that is to be searched* (see at least Williams 11:61-67),

*wherein one of the plurality of registration patterns is selected first by a user, preceding a selection of corresponding search criteria* (see at least Williams 11:61 – 12:7)

and 17:17-22 and discussion in the examiner's response to Applicants' arguments in the previous Office action), *and*

*wherein results of searching based on said user preference information are a function of the selected registration pattern combined with the selection of corresponding search criteria* (see at least Williams 11:61 – 12:7 and 17:17-22 and discussion in the examiner's response to Applicants' arguments in the previous Office action).

Williams does not specifically disclose the remaining features of the claim.

However, in an analogous art, Robarts discloses:

*means for generating a first image corresponding to the user preference information* (see at least FIG. 11, e.g., Mom's preference);

*means for generating a search condition setting image corresponding to a user set search condition* (see at least FIGs. 7-8);

*means for generating a second image corresponding to a search result* (see at least FIGs. 7, 11, 15).

*means for superimposing* (see at least FIG. 7) *either:*

*(a) the first image* (e.g., "Movies", "Action", "all networks", "all programs", "PG"), *the search condition setting image* (e.g., fields for entering the user's aforementioned search conditions), *and the second image* (e.g., the shown search results), *or*

*(b) the first image* (e.g., "Movies", "Action", "all networks", "all programs", "PG") *or the search condition setting image* (e.g., fields for entering the user's aforementioned search conditions) *and the second image* (e.g., the shown search results).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to add these user interfaces taught by Robarts to Williams because these interfaces correspond to the user preference information as claimed. One of ordinary skill in the art would have been motivated to add these features to Williams to improve and facilitate the search of favorite programs for a user.

Williams-Robarts does not specifically disclose the remaining features of the claim.

However, in an analogous art, Bedard discloses *wherein the means for superimposing superimposes (a) or (b) over a current video signal* (see at least FIG. 4).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the overlaying feature as taught in Bedard in Williams-Robarts because this feature would allow a user to continue watching the current program while being able to perform a quick search of a program of interest to her/him.

#### **Claim 6**

Williams discloses at least *a method for receiving headline information related to an information, the method comprising the steps of:*

*storing user preference information* (see Office action mailed September 22, 2006);  
*detecting reception of a plurality of headline information related to an information* (see Office action mailed September 22, 2006);

*searching, based on said user preference information stored at said storing step, headline information coincided with said user preference information among received headline information at the time when the reception of said plurality of headline information is detected at said detecting step* (see Office action mailed September 22, 2006);

*wherein said user preference information includes a plurality of registration patterns* (see at least Williams 11:22 – 12:7),

*wherein each registration pattern is pre-selected information corresponding to an event and a timing of the event* (see at least Williams 11:22 – 12:7) and,

*limiting the headline information that is to be searched* (see at least Williams 11:61-67),

*wherein one of the plurality of registration patterns is selected first by a user, preceding a selection of corresponding search criteria* (see at least Williams 11:61 – 12:7 and 17:17-22 and discussion in the examiner's response to Applicants' arguments in the previous Office action), and

*wherein results of searching based on said user preference information are a function of the selected registration pattern combined with the selection of corresponding search criteria* (see at least Williams 11:61 – 12:7 and 17:17-22 and discussion in the examiner's response to Applicants' arguments in the previous Office action).

Williams does not specifically disclose the remaining features of the claim.

However, in an analogous art, Robarts discloses:

*generating a first image corresponding to the user preference information (see at least FIG. 11, e.g., Mom's preference);*

*generating a search condition setting image corresponding to a user set search condition (see at least FIGs. 7-8);*

*generating a second image corresponding to a search result (see at least FIGs. 7, 11, 15).*

*superimposing (see at least FIG. 7) either:*

*the first image (e.g., "Movies", "Action", "all networks", "all programs", "PG"), the search condition setting image (e.g., fields for entering the user's aforementioned search conditions), and the second image (e.g., the shown search results), or*

*the first image (e.g., "Movies", "Action", "all networks", "all programs", "PG") or the search condition setting image (e.g., fields for entering the user's aforementioned search conditions) and the second image (e.g., the shown search results).*

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to add these user interfaces taught by Robarts to Williams because these interfaces correspond to the user preference information as claimed. One of ordinary skill in the art would have been motivated to add these features to Williams to improve and facilitate the search of favorite programs for a user.

Williams-Robarts does not specifically disclose the remaining feature of the claim.

However, in an analogous art, Bedard discloses that the superimposing is performed *over a current video signal* (see at least FIG. 4).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the overlaying feature as taught in Bedard in Williams-Robarts because this feature would allow a user to continue watching the current program while being able to perform a quick search of a program of interest to her/him.

**Claim 11**

A program information receiving apparatus for receiving an Electronic Program Guide (EPG) information, comprising:

*remote commander means* (see Office action mailed September 22, 2006);

*memory means for storing user preference information entered from said remote commander means* (see Office action mailed September 22, 2006);

*means for detecting reception of a plurality of headline information related to an information* (see Office action mailed September 22, 2006); and

*means for searching, based on said user preference information stored in said memory means, headline information coincided with said user preference information among received headline information at the time when the reception of said plurality of headline information is detected by said detecting means* (see Office action mailed September 22, 2006);

*wherein said user preference information includes a plurality of registration patterns* (see at least Williams 11:22 – 12:7),

*wherein the registration pattern is pre-selected information corresponding to an event and a timing of the event and limits the headline information that is to be searched* (see at least Williams 11:61-67),

*wherein one of the plurality of registration patterns is selected first by a user, preceding a selection of corresponding search criteria* (see at least Williams 11:61 – 12:7 and 17:17-22 and discussion in the examiner's response to Applicants' arguments in the previous Office action), and

*wherein the results of searching based on said user preference information are a function of the selected registration pattern combined with the selection of corresponding search criteria* (see at least Williams 11:61 – 12:7 and 17:17-22 and discussion in the examiner's response to Applicants' arguments in the previous Office action).

Williams does not specifically disclose the remaining features of the claim.

However, in an analogous art, Robarts discloses:

*means for generating a first image corresponding to the user preference information* (see at least FIG. 11, e.g., Mom's preference);

*means for generating a search condition setting image corresponding to a user set search condition (see at least FIGs. 7-8);*

*means for generating a second image corresponding to a search result (see at least FIGs. 7, 11, 15).*

*means for superimposing (see at least FIG. 7) either:*

*the first image (e.g., “Movies”, “Action”, “all networks”, “all programs”, “PG”), the search condition setting image (e.g., fields for entering the user’s aforementioned search conditions), and the second image (e.g., the shown search results), or*

*the first image (e.g., “Movies”, “Action”, “all networks”, “all programs”, “PG”) or the search condition setting image (e.g., fields for entering the user’s aforementioned search conditions) and the second image (e.g., the shown search results).*

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to add these user interfaces taught by Robarts to Williams because these interfaces correspond to the user preference information as claimed. One of ordinary skill in the art would have been motivated to add these features to Williams to improve and facilitate the search of favorite programs for a user.

Williams-Robarts does not specifically disclose the remaining feature of the claim.

However, in an analogous art, Bedard discloses that the superimposing is performed *over a current video signal* (see at least FIG. 4).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the overlaying feature as taught in Bedard in Williams-Robarts because this feature would allow a user to continue watching the current program while being able to perform a quick search of a program of interest to her/him.

### **Claim 12**

An information receiving apparatus for receiving headline information related to information, comprising:

*a memory unit that stores user preference information* (see Office action mailed September 22, 2006);

*a detection unit that detects reception of a plurality of headline information related to the information* (see Office action mailed September 22, 2006);

*a searching unit that searches, based on said user preference information stored in said memory unit, headline information coincided with said user preference information among received headline information at the time when the reception of said plurality of headline information is detected by said detection unit* (see Office action mailed September 22, 2006).

*wherein said user preference information includes a plurality of registration patterns* (see at least Williams 11:22 – 12:7),

*wherein the registration pattern is pre-selected information corresponding to an event and a timing of the event and limits the headline information that is to be searched* (see at least Williams 11:61-67),

*wherein one of the plurality of registration patterns is selected first by a user, preceding a selection of corresponding search criteria* (see at least Williams 11:61 – 12:7 and 17:17-22 and discussion in the examiner's response to Applicants' arguments in the previous Office action), and

*wherein results of searching based on said user preference information are a function of the selected registration pattern combined with the selection of corresponding search criteria* (see at least Williams 11:61 – 12:7 and 17:17-22 and discussion in the examiner's response to Applicants' arguments in the previous Office action).

Williams does not specifically disclose the remaining features of the claim.

However, in an analogous art, Robarts discloses:

*a first image generating unit that generates a first image corresponding to the user preference information* (see at least FIG. 11, e.g., Mom's preference);

*a search condition setting image unit that generates a set search condition setting image corresponding to a user set search condition* (see at least FIGs. 7-8);

*a second image generating unit that generates a second image corresponding to a search result* (see at least FIGs. 7, 11, 15).

*a superimposing unit that superimposes (see at least FIG. 7) either:*

*the first image* (e.g., “Movies”, “Action”, “all networks”, “all programs”, “PG”), *the search condition setting image* (e.g., fields for entering the user’s aforementioned search conditions), *and the second image* (e.g., the shown search results), *or*

*the first image* (e.g., “Movies”, “Action”, “all networks”, “all programs”, “PG”) *or the search condition setting image* (e.g., fields for entering the user’s aforementioned search conditions) *and the second image* (e.g., the shown search results).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to add these user interfaces taught by Robarts to Williams because these interfaces correspond to the user preference information as claimed. One of ordinary skill in the art would have been motivated to add these features to Williams to improve and facilitate the search of favorite programs for a user.

Williams-Robarts does not specifically disclose the remaining feature of the claim.

However, in an analogous art, Bedard discloses that the superimposing is performed *over a current video signal* (see at least FIG. 4).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the overlaying feature as taught in Bedard in Williams-Robarts because this feature would allow a user to continue watching the current program while being able to perform a quick search of a program of interest to her/him.

### **Claim 13**

A program information receiving apparatus for receiving Electronic Program Guide (EPG) information, comprising:

*a remote commander unit* (see Office action mailed September 22, 2006);

*a memory unit adapted to store user preference information entered from said remote commander unit* (see Office action mailed September 22, 2006);

*a detection unit that detects reception of a plurality of headline information related to an information* (see Office action mailed September 22, 2006); *and*

*a searching unit that searches, based on said user preference information stored in said memory unit, headline information coincided with said user preference information among received headline information at the time when the reception of said plurality of headline information is detected by said detection unit (see Office action mailed September 22, 2006).*

*wherein said user preference information includes a plurality of registration patterns (see at least Williams 11:22 – 12:7),*

*wherein the registration pattern is pre-selected information corresponding to an event and a timing of the event and limits the headline information that is to be searched (see at least Williams 11:61-67),*

*wherein one of the plurality of registration patterns is selected first by a user, preceding a selection of corresponding search criteria (see at least Williams 11:61 – 12:7 and 17:17-22 and discussion in the examiner's response to Applicants' arguments in the previous Office action), and*

*wherein the results of searching based on said user preference information are a function of the selected registration pattern combined with the selection of corresponding search criteria (see at least Williams 11:61 – 12:7 and 17:17-22 and discussion in the examiner's response to Applicants' arguments in the previous Office action).*

Williams does not specifically disclose the remaining features of the claim.

However, in an analogous art, Robarts discloses:

*a first image generating unit that generates a first image corresponding to the user preference information (see at least FIG. 11, e.g., Mom's preference);*

*a search condition setting image unit that generates a set search condition setting image corresponding to a user set search condition (see at least FIGs. 7-8);*

*a second image generating unit that generates a second image corresponding to a search result (see at least FIGs. 7, 11, 15).*

*a superimposing unit that superimposes (see at least FIG. 7) either:*

*the first image (e.g., "Movies", "Action", "all networks", "all programs", "PG"), the search condition setting image (e.g., fields for entering the user's aforementioned search conditions), and the second image (e.g., the shown search results), or*

*the first image* (e.g., “Movies”, “Action”, “all networks”, “all programs”, “PG”) or the search condition setting image (e.g., fields for entering the user’s aforementioned search conditions) and the second image (e.g., the shown search results).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to add these user interfaces taught by Robarts to Williams because these interfaces correspond to the user preference information as claimed. One of ordinary skill in the art would have been motivated to add these features to Williams to improve and facilitate the search of favorite programs for a user.

Williams-Robarts does not specifically disclose the remaining feature of the claim.

However, in an analogous art, Bedard discloses that the superimposing is performed *over a current video signal* (see at least FIG. 4).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the overlaying feature as taught in Bedard in Williams-Robarts because this feature would allow a user to continue watching the current program while being able to perform a quick search of a program of interest to her/him.

#### **Claims 2-5 and 7-10 (Original)**

See Office action mailed September 22, 2006.

#### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Hoang-Vu A. Nguyen-Ba whose telephone number is (571) 272-3701. The Examiner can normally be reached on Monday-Friday from 9:00 – 17:30.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner’s Supervisor, John Miller can be reached at (571) 272-7353.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2400 Group receptionist: 571-272-2400.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Hoang-Vu Antony Nguyen-Ba/  
Primary Examiner, Art Unit 2421

April 7, 2009